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Certified No.

STATE OF CONNECTICUT
DEPARTMENT OF HEALTH SERVICES

IN RE:

Joseph Birriterri, Barber
License No 2239
28 Mohawk Road
Plainville, CT 06062

MEMORANDUM OF DECISION

On November 18, 1985, the Connecticut Board of Examiners for Barbers, Hairdressers and Cosmetologists (hereinafter "Board") was presented by the Department of Health Services with a Statement of Charges dated October 2, 1985. It issued a notice of hearing dated October 4, 1985. Service was properly made on Joseph Birriterri (hereinafter "Respondent").

The Statement of Charges alleges that the Respondent violated Conn. Gen. Stat. §20-238 by failing to renew his barber's license from December 31, 1981 to July 30, 1985. The hearing date of October 28, 1985 was continued to November 18,

1985. The Respondent was represented by counsel but neither chose to be present for the hearing. No attempt was made to contact the Board to indicate they would not be present.

Each member of the Board involved in this decision attests that he/she has viewed the record and that this decision is based entirely on that record and the specialized professional knowledge of the Board members in evaluating the evidence.

FINDINGS AND DISCUSSION

1. On January 6, 1975 the Respondent was issued Connecticut Barber's license No 2239.

2. On December 31, 1981 the Respondent's annual license expired.

3. As of July 30, 1985, Respondent's annual license was not renewed for any of the years since December 31, 1981 so as to enable Respondent to remain in compliance with the annual licensure requirements of Conn. Gen. Stat. §20-238.

4. Pursuant to Conn. Gen. Stat. §4-182 (c), the Respondent was provided a full opportunity prior to the institution of agency action to show compliance with all the terms for retention of his license.

5. At various time during the years 1983 and 1984 the Respondent gave hair cuts in Dante's Hair Salon, New Britain, Connecticut while his license to perform this activity was lapsed.

6. The purpose of the Statute in requiring annual licensure renewal is to protect the public from injury or illness due to unqualified Barbers.

7. Respondent is also known by the name "Dante" and was observed and identified during this period as the licensee Joseph Birriterri by answering both to the names of "Joe" and "Dante" while cutting a customer's hair in Dante's Hair Salon, New Britain, Connecticut.

8. In front of a Respondent's barber shop station at this time was a barber's certificate bearing the name of

Respondent, to wit Joseph Birriterri. The period of time applicable to the certificate was not observed.

9. On October 15, 1985 Respondent gave a hair cut appointment to a Department of Health Services employee over the telephone for October 18, 1985 at 3:30 P.M.

CONCLUSION

10. The Respondent is charged with continuing to practice barbering after his license lapsed on December 31, 1981 through July 30, 1985 and that such lapse constitutes a violation of Conn. Gen. Stat. §20-238 which prohibits the practice of barbering without a license.

11. The Board concludes, after reviewing all the evidence, that the charges as alleged in this complaint have been proven. (Findings 1-9) Respondent therefore has violated Conn. Gen. Stat. §20-238.

ORDER

12. Pursuant to Regulations of Connecticut State Agencies §19a-14-1 et seq., the Board of Barbers, Hairdressers and Cosmetologists hereby orders that the findings and conclusions of the Board in this matter be made a part of Respondent's permanent file as maintained by the Department of Health Services and that they be considered in the event the Respondent ever seeks to renew his license in the future under applicable Statutes and Regulations governing License Renewals.

13. That the Chief State Attorney, 95 Washington Street, Hartford, CT. 06106 be furnished a copy of this order so that he may take any further action he deems appropriate under Con. Gen. Stat. §20-249.

CONNECTICUT BOARD OF BARBERS
HAIRDRESSERS AND COSMETOLOGISTS

DATE

5-12-86

By

P. Cohen

Chairman